

REMARKSStatus of the Claims

In the Office Action mailed March 16, 2007, all of the pending claims, 16-30, have been rejected. The rejection is respectfully traversed. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein.

The following remarks are believed to be fully responsive to the Office Action. All of the pending claims at issue are believed to be patentable over the cited references. Reconsideration and withdrawal of the outstanding rejections are therefore respectfully requested in view of the following remarks.

Double-Patenting Rejection

Claims 16-30 are rejected on the ground on non-statutory obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,915,711 by Backlund, et al., (hereinafter "the '711 Patent").

Applicant hereby notes that the '711 Patent should be cited under 35 U.S.C. § 102(b) rather than on the basis of a double patenting rejection. As such, no terminal disclaimer is deemed necessary or appropriate.

Accordingly, the rejection of claims 16-30 over the '711 patent will be addressed as though it had been cited under 35 U.S.C. § 102(b). For anticipation under 35 U.S.C. § 102 the

reference must teach every aspect of the claimed invention, either explicitly or implicitly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02).

The '711 Patent does not teach or suggest, at least, "measuring said stress forces directed perpendicular to said measuring surface," as recited in claim 16 and similarly in claim 21. (Emphasis supplied.) The '711 Patent is directed to a refining disk having measuring devices arranged at various radial distances from the center of the refining disks. (Col. 4, ll. 16-35.) "When a measuring device is affected by a force parallel with the surface of the refining disk/segment, the force sensor of the measuring device will generate a signal that is proportional to the load." (Id.) (Emphasis supplied.) Thus, the '711 Patent is directed to measuring the stress forces parallel to the refining disk. (See col. 2, ll. 14-21; col. 4, ll. 33-36 and ll. 42-45.)

Since each and every element, as set forth in the claims, is not found, either expressly or inherently described as required by the M.P.E.P. the '711 Patent cannot be said to anticipate, "measuring said stress forces directed perpendicular to said measuring surface," as recited in claim 16 and similarly in claim 21. Accordingly, withdrawal of the rejection is respectfully requested.

Further, the recited claims are also not obvious in view of the '711 Patent. As described in the "Background"

section of the current application, it has been known to measure shearing force or stress force in one direction in refiners. However, no one has described measuring normal forces or "measuring said stress forces directed perpendicular to said measuring surface," as recited in claim 16 and similarly in claim 21. Therefore, the recited claims are also not obvious in view of the '711 Patent.

Claims 17-20 depend from independent claim 16 while claims 22-30 depend from independent claim 21. Because claims 16 and 21 are believed to be in condition for allowance, claims 17-20 and 22-30 are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

**Claim Rejections - 35. U.S.C. §102**

Claims 16-30 are also rejected under 35. U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,587,803 to Johansson, et al., (hereinafter "the '803 Patent"). The Examiner is thanked for her telephone conference with Applicant's representative on April 11, 2007 whereby she acknowledged that the rejection of the current application should be under 35 U.S.C. § 102(e) rather than 35 U.S.C. § 102(b).

As previously stated, for anticipation under 35 U.S.C. § 102 the reference must teach every aspect of the claimed

invention either explicitly or implicitly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02).

The '803 Patent also does not teach or suggest, at least, "measuring said stress forces directed perpendicular to said measuring surface," as recited in claim 16 and similarly in claim 21. The '803 Patent is generally directed to temperature sensors embedded in refining disks and the radial configuration of such sensors. There is very little discussion regarding measuring pressure. In fact, the '803 Patent simply states, "[i]f desired, one or more sensors [] of a sensor refiner disk segment 32 can be a pressure sensor." (Col. 12, ll. 24-38.)

There is no additional discussion about how pressure is measured. As mentioned in the current application, it is known to measure forces parallel to the refining disk and, without evidence to the contrary, the '803 Patent does simply that, measures parallel forces. Certainly, there is no mention or discussion regarding "measuring said stress forces directed perpendicular to said measuring surface," as recited in claim 16 and similarly in claim 21. (Emphasis supplied.)

Since each and every element, as set forth in the claims, is not found, either expressly or inherently described as required by the M.P.E.P. the '803 Patent cannot be said to anticipate, "measuring said stress forces directed perpendicular to said measuring surface," as recited in claim 16 and similarly

in claim 21. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 17-20 depend from independent claim 16 while claims 22-30 depend from independent claim 21. Because claims 16 and 21 are believed to be in condition for allowance, claims 17-20 and 22-30 are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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